



SUPPLEMENT

AGENDA ITEM
NO. 4

MEMORANDUM

To: PLANNING COMMISSION

Date: April 14, 2009

From: COMMUNITY DEVELOPMENT DEPARTMENT

Subject: **ZONING AMENDMENT, ZA-09-03: AMENDMENTS TO DESIGN REVIEW ZONING CHAPTER 18.74 AND TO CHAPTER 2.56 AND OTHER SECTIONS OF THE CITY OF MORGAN HILL MUNICIPAL CODE IN ORDER TO CEASE THE ARCHITECTURAL REVIEW BOARD:** Repeal of Chapter 2.56 and Amendment to Chapter 18.74 to remove Architectural Review Board (ARB) and to shift design permit (architectural and site review) authority to staff; and amendments to modify and clarify requirements and procedures related to review and action on design permits, including extensions and modifications of permits. Amendments to other sections of the Municipal Code to substitute "Community Development Director" in place of "Architectural Review Board".

The City Council has determined to disband the Architectural Review Board and have Design Permits acted upon by the Community Development Director or designated staff.

The attached Design Review Chapter shows the recommended changes to accomplish this change, and to make adjustments to certain permit modification and extension provisions.

As part of a supplementary transmittal related to this item, staff will forward other sections of the Zoning Ordinance and Municipal Code on Monday April 13th, which will show other code sections that will need to be changed in order to effectuate the City Council's direction.

The attached memorandum presents other code amendments that would be needed to effectuate the City Council's direction to disband the ARB

ADDITIONAL RECOMMENDED CODE AMENDMENTS TO EFFECTUATE CITY COUNCIL'S DIRECTION TO DISBAND THE ARCHITECTURAL REVIEW BOARD

Changes to identified sections or paragraphs are shown as strike-outs for text to be deleted, and underline for text to be added.

AMENDMENTS TO CHAPTER 18.02: GENERAL PROVISIONS

18.02.080 Public noticing.

~~Review of all applications before the planning commission and architectural and site review board and appeal applications to the city council shall be provided in the manner prescribed in California Government Code Sections 65090 and 65091.~~

Notices of public hearings before the **Planning Commission and City Council** regarding the following types of applications shall be provided in the manner prescribed in **California Government Code Section 65090:**

General Plan Adoption and General Plan Amendments *

Zoning Ordinances and Zoning Ordinance Amendments *

Notices of public hearings before the **Planning Commission, and any projects or appeals considered by the City Council**, regarding the following types of applications shall be provided in the manner prescribed in **California Government Code Section 65091:**

Conditional Use Permits

Variances

Revocation or major modification of a variance or conditional use permit

Notices of public hearings before the planning commission and city council regarding the following types of applications shall be provided in the manner prescribed in **California Government Code Sections 65090 and 65091:**

General Plan, General Plan Amendment, Zoning Ordinance, and Zoning Ordinance Amendment proposals that would affect the permitted uses or intensity of uses of real property *

Development Agreements and Development Agreement Amendments

Historical Resource Demolition or Relocation Permit

Designation of Historical Resources and Historic Districts

* However, if the number of owners to whom notice would be mailed or delivered is greater than 1,000, notice may be provided by publishing a display advertisement of at least one-eighth page in a newspaper of general circulation within the community.

Notices of public hearings before the **Community Development Director** regarding the following types of applications shall be provided by mailing or delivering at least 10 days prior to the hearing to the owner of the subject real property and to all owners of real property within 300 feet of the property that is the subject of the hearing, and by posting a notice on the subject property and at City Hall at least 10 days prior to the hearing:

Design Permits and Major Modification of Design Permits

Historical Alteration Permit, if the application involves preparation of an initial study, negative declaration or environmental impact report

Exceptions considered by the Planning Commission

To update the list of zoning districts that exist, add new existing or potential zoning district classifications as shown:

CHAPTER 18.06: ZONING MAP AND DISTRICT BOUNDARIES

18.06.020 Districts--Designated.

The several districts and regulations hereby established and into which the city is divided, are designated as follows:

CL-R Light Commercial/Residential District

CBD Central Business District

CHAPTER 18.10: RE RESIDENTIAL ESTATE DISTRICT

18.10.110 Additional required conditions.

A. ~~Architectural and site review board~~ Community Development Director design review approval shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

D. All manufactured homes are subject to ~~architectural review and approval by the architectural and site review board.~~ design review, and approval of a Design Permit by the Community Development Director shall be obtained prior to issuance of a building permit.

CHAPTER 18.12: R-1 SINGLE-FAMILY MEDIUM DENSITY DISTRICT

18.12.080 Additional required conditions.

C. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title;

F. All manufactured homes are subject to ~~architectural and site plan approval by the architectural and site review board~~ design review, and approval of a Design Permit by the Community Development Director shall be obtained prior to issuance of a building permit.

CHAPTER 18.14: R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

18.14.080 Additional required conditions.

C. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

E. All manufactured homes are subject to ~~architectural and site plan approval by the architectural and site review board~~ design review, and approval of a Design Permit by the Community Development Director shall be obtained prior to issuance of a building permit.

CHAPTER 18.16: R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT

18.16.060 Additional required conditions.

C. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

E. ~~All manufactured homes are subject to architectural and site plan approval by the architectural and site review board~~ design review, and approval of a Design Permit by the Community Development Director shall be obtained prior to issuance of a building permit.

CHAPTER 18.19: PUBLIC FACILITIES DISTRICT

18.19.050 Additional required conditions.

~~Architectural and site review board~~ Design Permit approval by the City Council, or by the Community Development Director for minor projects, shall be required of all uses as defined in Chapter 18.74 of this title.

CHAPTER 18.20: CN NEIGHBORHOOD COMMERCIAL DISTRICT

18.20.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.22: CG GENERAL COMMERCIAL DISTRICT

18.22.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.24: CC-R CENTRAL COMMERCIAL/RESIDENTIAL DISTRICT

18.24.120 Other required conditions.

A. ~~Architectural and site plan approval by the Architectural and Site Review Board~~ Design Permit approval by the Community Development Director, or by the Planning Commission or City Council upon referral by the Director, shall be required for construction of any residential dwelling which would result in the establishment of two or more dwellings on any parcel with a street frontage less than sixty feet or an area less than six thousand square feet.

CHAPTER 18.25: LIGHT COMMERCIAL – RESIDENTIAL DISTRICT

18.25.070 Additional required conditions.

A. ~~Architectural and Site Review Board~~ Design Permit approval by the Community Development Director shall be required of all new construction or significant reconstruction or remodeling of the exterior of existing structures.

CHAPTER 18.26: HC HIGHWAY COMMERCIAL DISTRICT

18.26.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.28: TUD THEME UNIT DEVELOPMENT DISTRICT

18.28.120 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.30: PD PLANNED DEVELOPMENT OVERLAY DISTRICT

18.30.120 Modification to approved Planned Development Districts.

B. When the community development director finds that a proposed modification differs significantly from the approved PD, an amendment to the approved PD will be required through the public hearing process before the Planning Commission and City Council ~~and Architectural Review Board~~.

CHAPTER 18.32: CS SERVICE COMMERCIAL DISTRICT

18.32.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.34: CO ADMINISTRATIVE OFFICE DISTRICT

18.34.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.36: ML LIGHT INDUSTRIAL DISTRICT

18.36.50 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.38: MG GENERAL INDUSTRIAL DISTRICT

18.38.50 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval by the Community Development Director shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.40: MC CAMPUS INDUSTRIAL DISTRICT

18.40.040 Site development standards.

E. All uses shall be subject to ~~architectural and site review board~~ Design Permit approval by the Community Development Director in accordance with Chapter 18.74 of this title.

CHAPTER 18.41: MO OFFICE INDUSTRIAL DISTRICT

18.41.050 Additional required conditions.

A. ~~Architectural and site review board~~ Design Permit approval ~~by the Community Development Director~~ shall be required of all uses situated on sensitive sites, as defined in Chapter 18.74 of this title.

CHAPTER 18.56: ACCESSORY STRUCTURES

18.56.070 Fences and walls

The following development standards shall apply to all fences and walls within all zoning districts:

A. No fence or wall shall be constructed to exceed seven feet in height on any property line to the rear of the front setback line of any property, except that the section of fence above six feet shall be uniformly open to the passage of light and air, as determined by the Community Development Director. Exception to this standard may be allowed by Section 18.57.010 of the Exceptions Chapter or as approved by the Planning Commission. ~~Architectural Review Board.~~

B. No fence or wall shall exceed three feet in height from the front setback line of any property to the street right-of-way line except as may be allowed by Section 18.57.010 of the Exceptions Chapter or as approved by the Planning Commission. ~~Architectural Review Board.~~
(NO CHANGE TO REMAINDER OF "B")

C. The following fence types within the specified zoning districts are prohibited unless otherwise approved by the Planning Commission. ~~Architectural and Site Review Board.~~ (NO CHANGE TO REMAINDER OF "C")

CHAPTER 18.57: EXCEPTIONS

18.57.020 Exceptions to height limits.

A. The following are exceptions to the height limitations set forth elsewhere in Division I of this title (*CHANGES ONLY TO THE FOLLOWING NUMBERS PARAGRAPHS*):

1. Architectural features such as monuments, church spires, towers, cupolas, domes and chimneys, are allowed to a maximum height of fifty feet unless otherwise approved by the Planning Commission. ~~Architectural and Site Review Board.~~

2. Mechanical features such as smokestacks, vents, exhausts and elevator towers are allowed to a maximum height of fifty feet unless otherwise approved by the Planning Commission. ~~Architectural and Site Review Board.~~

7. Places of public assembly in churches, schools, and other permitted public and semipublic buildings shall have a maximum height of fifty feet, provided that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards permitted in the district, unless otherwise approved by the Planning Commission. ~~Architectural and Site Review Board.~~

CHAPTER 18.73: WATER CONSERVING LANDSCAPES

18.73.030 Applicability.

G. Exemptions. The standards do not apply to community gardens; ecological restoration projects that do not require a permanent irrigation system; registered historical sites

where landscaping establishes an historical landscape style, as determined by ~~a public board~~ the Community Development Director or Planning Commission responsible for architectural review or historic preservation; and enclosed, private yards and patios in multi-family residential developments. The standards do not apply to all development that has either been constructed or has submitted an application for a building permit before the effective date of this Ordinance.

CHAPTER 18.75: HISTORICAL RESOURCES

18.75.045 Historical alteration permit.

B. If a Historical Alteration Permit is required pursuant to Section 18.75.040, the following procedures will be followed in processing the permit application:

...

5. Historical Alteration Permit applications (both minor and major) will require the review and approval of the community development director or designated staff, except as provided below:

a. Any application involving preparation of an initial study, negative declaration or environmental impact report shall be referred to the ~~architectural review board~~ Planning Commission for approval at a duly noticed public hearing.

b. The community development director may also require a Historical Alteration Permit application to be reviewed and approved by the ~~architectural review board~~ Planning Commission at his/her discretion.

6. As part of the review process, the community development director or ~~architectural review board~~ Planning Commission may impose conditions on a project to bring the proposed work into compliance with the Secretary of the Interior's Standards.

7. The director's or ~~architectural review board's~~ Planning Commission's decision to approve or deny a Historical Alteration Permit or to impose conditions on a project may be appealed in accordance with the provisions of this chapter.

18.75.080 Appeals.

A. The following actions by the planning commission may be appealed by an interested party to the city council:

3. Any item acted on by the planning commission on appeal or referral from the Community Development Director ~~architectural review board~~.

B. The following actions by the ~~architectural review board~~ Planning Commission may be appealed by an interested party to the City Council ~~planning commission~~:

1. The ~~architectural review board's~~ decision to approve or deny alteration to a potentially historical or historical resource or site;

2. The ~~architectural review board's~~ decision to impose conditions on a project involving the alteration of a potentially historical or historical resource or site.

C. The following actions by the community development director may be appealed by an interested party to the ~~architectural review board~~ Planning Commission:

1. The director's decision to approve or deny alteration to a potentially historical or historical resource or site;

2. The director's decision to impose conditions on a project involving the alteration of a potentially historical or historical resource or site.

CHAPTER 12.32: RESTRICTIONS ON REMOVAL OF SIGNIFICANT TREES

12.32.030 Permit-Required.

It is unlawful for any person to cut down, remove, poison or otherwise kill or destroy, or cause to be removed any tree or community of trees on any city or private property without first securing a permit as provided in this chapter; provided, however, that a permit shall not be required for developments which have been reviewed and approved by the planning commission or Community Development Director ~~architectural and site review board~~ and the tree removal conforms with the landscape plans of those developments. A permit shall otherwise be required for removal of any trees as defined in subsection G of Section 12.32.020 of this chapter.